

RACHELLE M. RESNICK  
CLERK SUPREME COURT  
BY

## JUDGMENT AND ORDER

1. Respondent shall sign a Probation Contract that shall include all applicable terms of participation including reporting requirements, and shall constitute the terms of probation. The Probation contract shall be signed by Respondent and returned to the Staff Examiner within 10 days of the date it is mailed to Respondent by the State Bar. Respondent shall, within 30 days of the Judgment and Order, contact the State Bar's Staff Examiner to begin participation in TAP. Respondent shall participate in TAP for the entire period of probation.
2. Respondent shall attend TAEPP within six months of signing the Probation Contract.
3. Pursuant to the provisions of Rule 60(a)(5), Ariz.R.Sup.Ct., the term of probation may be renewed for an additional two (2) year period.
4. In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the imposing entity a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The Hearing Officer shall conduct a hearing within 30-days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **MARSHALL FEALK** for costs and expenses of these proceedings in the amount of \$3,151.80, together with interest at the legal rate from the date of this judgment.

DATED this 31st day of December, 2008.

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST

Rachelle M. Resnick, Clerk of the Supreme Court  
State of Arizona

*Armen L. Gulce* Deputy

*Rachelle M. Resnick*

Rachelle M. Resnick  
Clerk of the Court

TO:

Marshall Fealk, Respondent (Certified Mail, Return Receipt and Regular Mail)  
Robert J. St. Clair, Respondent's Counsel  
Patricia J. Ramirez, Bar Counsel  
Juan Perez-Medrano, Hearing Officer 9D  
Leticia V. D'Amore, Disciplinary Clerk (Cert. Copy)  
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)  
Molly Dwyer, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)  
Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)  
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